

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Truth-in-Billing
and
Billing Format

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CC Docket No. 98-170

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MAR 21 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Petition for Temporary, Limited Waiver

The Petitioning Local Exchange Carriers ("Petitioners") listed on Attachment A hereto,¹ by counsel, hereby seek temporary, limited waiver of the Truth-in-Billing ("TIB") requirements established by the Federal Communications Commission ("Commission" or "FCC") in its First Report and Order and Further Notice of Proposed Rulemaking in the above-captioned matter.²

I. Summary and Request for Relief

The Commission's primary TIB objective, in addition to reducing slamming and other telecommunications fraud, is to provide customer bills with greater clarity and additional information to aid customers' understanding of, and make more informed choices regarding, the telecommunications services they use.³ Petitioners support these goals and have made reasonable, good faith efforts to implement the TIB rules by April 1, 2000. Unfortunately, due to circumstances beyond their control, the modifications to their billing systems necessary to

¹ Attachment A contains the declaration of an officer of each of the Petitioners. Where a declaration contains a facsimile signature, the original signed declaration will be filed upon receipt by counsel.

² In the Matter of Truth-in-Billing and Billing Format, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-170, FCC 99-72, released May 11, 1999, 64 Fed. Reg. 34488 (June 25, 1999) ("TIB Order"); Errata, CC Docket No. 98-170, DA 99-2092, released October 6, 1999.

³ See 47 C.F.R. § 64.2400(a).

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render a fully TIB-compliant end user bill are not completed. As demonstrated herein, absent granting these temporary, limited waivers, Petitioners will be forced to end billing and collection services for other service providers which would eliminate the customer convenience of a single bill for multiple service providers and would create the potential for more customer confusion arising from the multiple bills.⁴ Grant of the requested waivers, particularly with the conditions that each Petitioner has agreed to have placed on such grant, will avoid these adverse consequences while advancing the Commission's goal for TIB in an alternative manner for a limited time until TIB compliance can be achieved.

As the Commission is aware, many local exchange carriers ("LECs"), such as the Petitioners, rely on outside billing software vendors to develop and maintain billing system software that allows such LECs to more efficiently render end user bills. These billing software vendors are independent entities and are relied upon by these LECs to develop software upgrades that allow compliance with the Commission's TIB rules. Despite the reasonable and good faith efforts of the Petitioners to maintain contact with the vendors and seek verification of TIB compliance, their respective billing software vendors only recently confirmed the extent of the TIB compliance issues facing the Petitioners. Because of unanticipated delays in the development of the software necessary for TIB which were beyond the control of the Petitioners, TIB compliance by April 1, 2000 is technically and economically infeasible.⁵

⁴ The Commission has acknowledged that "consumers have generally expressed a preference for a single bill" TIB Order at para. 6.

⁵ The effective date of the TIB rules at issue have been delayed until April 1, 2000. See Public Notice, DA 99-2030 (Sept. 30, 1999); 64 Fed. Reg. 55163 (Oct. 12, 1999); see also In the Matter of Truth-in-Billing and Billing Format, Order Granting, in Part, Temporary Waivers, CC Docket No. 98-170, DA 99-3010, released December 27, 1999 ("December TIB

To the extent indicated in Attachment A, Petitioners seek temporary, limited waiver⁶ of the requirements of Section 64.2401(a)(2)(the "TIB New Service Provider Requirement"),⁷ Section 64.2401(c)(the "TIB Deniable/NonDeniable Requirement"),⁸ and a continuation of the existing waiver of Sections 64.2401(a)(1)-(2) and 64.2401(d)(the "TIB Service Provider Name and Inquiry Contact Requirement")⁹(collectively, the "TIB Requirements"). Moreover, each Petitioner agrees that the relief granted by the Commission should be conditioned (where applicable) upon Petitioners:

1. Continuing to work with their billing software vendor in order to secure and properly test the necessary software upgrades in advance of the requested compliance date (see Attachment A);

Order").

⁶ Petitioners, some of which are members of the United States Telecom Association ("USTA"), recognize that a pending Petition filed by USTA seeks similar relief for USTA member companies. See Public Notice, DA 99-1616, released August 13, 1999. The remaining Petitioners recognize that the relief requested by USTA would not otherwise cover them unless the relief sought was applied to all carriers as USTA has suggested. See Reply Comments of USTA, CC Docket No. 98-170, filed September 10, 1999 at 2. Accordingly, in the event that action on the USTA Petition does not grant the extent of the relief requested herein, Petitioners request a waiver of the TIB Requirements for the time periods identified in Attachment A.

⁷ 47 C.F.R. § 64.2401(a)(2).

⁸ See 47 C.F.R. § 64.2401(c).

⁹ See 47 C.F.R. §§ 64.2401(a)(1)-(2), 64.2401(d). Several of the Petitioners previously sought waiver of 47 C.F.R. §64.2401(d) regarding inquiry contact toll free numbers under the mistaken assumption that this was the only compliance issue they had related to the billing and collection services that they provide for casual calling and alternate operator services ("AOS services"). Subsequently, and in conjunction with discussions with their end user billing software vendors, Petitioners became aware that their software is not currently capable of identifying the name of each AOS service provider (see 47 C.F.R. § 64.2401(a)(1)) and separating by such provider, including those providers associated with sub-CICs. See 47 C.F.R. § 64.2401(a)(2).

2. Providing assistance to customers raising questions concerning what charges must be paid to avoid disconnection of local service;
3. Assisting customers with inquiries regarding new service providers that did not appear on the "previous billing statement," and the "nature of the relationship" the provider has with the customer;¹⁰
4. Assisting customers with questions concerning charges from particular service providers, including, providing an AOS service provider's name and toll free number where it is not identified on the bill, and, at the option of the customer, establishing a three-way conference call with the provider (or its clearinghouse); and
5. Providing a bill message and/or insert consistent with the requirements included in the December TIB Order that describes its compliance efforts associated with the TIB Requirements, the expected date of compliance, and if applicable, identification of the state policies regarding disconnection for non-payment of charges.

**II. Good Cause Exists for and the Public Interest
will be Served by a Grant of this Limited Waiver**

Based on the facts and circumstances confronting them, Petitioners respectfully submit that good cause exists for a grant of this temporary, limited waiver, and that the public interest will be served by such action rather than by strict adherence to the TIB Requirements.

The following facts are common to each of the Petitioners. Each Petitioner utilizes an outside billing vendor to assist with making software modifications and upgrades to allow it to render end user bills in compliance with applicable regulatory requirements. Each Petitioner utilizes these services because it has found that outsourcing of these software modifications and upgrades is more economically efficient than retaining internal staff to perform these services. Each of the compliance issues raised in this Petition arise primarily as a result of billing and collection services that the Petitioners provide to third parties, including presubscribed interexchange carriers and/or providers of casual calling and AOS services (including those

¹⁰ 47 C.F.R. § 64.2401(a)(2)(ii).

providers of AOS services that utilize "sub-CICs" associated with an underlying carrier or aggregator).¹¹ Each Petitioner has made good faith efforts to ensure TIB compliance by frequent, periodic status contacts with its billing software vendor and, until only recently, was able to receive reasonable estimates regarding the extent of compliance issues, the time frame within which the vendor expected to address such issues, and a date by which the billing software vendor committed to delivery of the necessary end user billing system software upgrades. Finally, each of the Petitioners fully and reasonably expected, based on their discussions with their respective billing software vendor, that the necessary software and support would be provided by their vendor sufficiently in advance of April 1, 2000 to allow the Petitioners to proceed with the proper testing of the software and render a TIB compliant end user bill by April 1, 2000.

Despite Petitioners' reasonable and good-faith efforts, the software vendors only recently confirmed that installation and testing of the necessary software to comply with the TIB Requirements will not be completed by April 1, 2000.¹² These unanticipated delays, which were beyond the control of each Petitioner, make compliance with the TIB Requirements by the

¹¹ See also December TIB Order at para. 4.

¹² Moreover, some of the billing software vendors have informed Petitioners that industry agreed-upon standards required to automate the TIB New Service Provider Requirement and/or to address TIB compliance issues associated with providers of AOS services that use sub-CICs were not finalized until February of this year, and that this was a contributing factor in delaying finalization of certain of the necessary software modifications.

April 1, 2000 effective date technically and economically infeasible.¹³ Accordingly, based on these facts and circumstances, the Petitioners submit that good cause exists for the requested temporary, limited waiver.¹⁴

Moreover, the compliance issues confronting the Petitioners primarily arise as a result third party billing services they provide, including those for "1 +" billing and collection services they offer to interexchange carriers and/or the billing and collection services that are offered to providers of AOS services. Facing the risk of non-compliance with the TIB Requirements, the Petitioners will be forced to terminate their billing relationships with such providers. The Petitioners respectfully submit that this result will lead only to customer inconvenience and confusion because such customers will receive multiple bills instead of a single bill. Further, the Petitioners' decisions to terminate such services may very well increase the cost to such providers for billing and collection, thereby inhibiting the continued development of a competitive service marketplace. Contrary to these results, however, grant of the temporary, limited waivers with the conditions agreed to by the Petitioners will advance the public interest by avoiding these adverse customer and carrier impacts. Accordingly, strict compliance by the

¹³ See 64 Fed. Reg. 55163 (Oct. 12, 1999); see also December TIB Order at para. 6.

¹⁴ "The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Waiver of a Commission rule is appropriate where (1) the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and grant of the waiver is otherwise in the public interest, or (2) unique facts or circumstances render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest, and there is no reasonable alternative. Northeast Cellular Telephone Co., L.P. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

Petitioners with the TIB Requirements would be inconsistent with the public interest.¹⁵ Application of the TIB Requirements in these instances also would be inequitable and unduly burdensome, particularly since there is no reasonable alternative available to the Petitioners with respect to installing and testing the necessary software except to comply with their billing software vendor's schedule. Finally, the Petitioners note that they have experienced minimal customer inquiries regarding their third party billing, and anticipate this experience to continue.

Accordingly, Petitioners submit that the public interest would be advanced by a grant of the temporary, limited waivers requested herein, and that goals of the TIB Requirements would be achieved in an alternative manner for a limited time until TIB compliance can be achieved.

III. Conclusion

Because the Petitioners are technically incapable of complying with certain TIB Requirements by April 1, 2000, a grant of the additional time identified in Attachment A, will ensure that the Petitioners can implement and successfully test the billing system software upgrades required to implement the TIB Requirements in an efficient manner, while avoiding unnecessary and wasteful expense. At the same time, the consumer goals of these TIB rules will not be frustrated by a grant of this request in light of the conditions that each Petitioner has agreed should be part of the relief.

¹⁵ This conclusion is also consistent with that reached by the Commission when it recognized that the TIB New Service Provider Requirement and the TIB Deniable/Nondeniable Requirement are those "likely to require the most computer programming resources. . . ." (December TIB Order at para. 2) and that the public interest would be served by accommodating differing implementation schedules based on computer programming requirements. See generally id. at paras. 6-9.


Accordingly, in the event that action on the USTA Petition does not grant the extent of the relief requested herein, Petitioners request a waiver of the applicable TIB Requirements for the time frames specified in Attachment A.

Respectfully submitted,

The Petitioning Local Exchange Companies

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By:



David Cosson
Thomas J. Moorman
Margaret Nyland

March 21, 2000

Their Attorneys

Attachment A
List of Petitioning Local Exchange Companies

Armstrong Telephone Company - Maryland
Armstrong Telephone Company - New York
Armstrong Telephone Company - North
Armstrong Telephone Company - Northern Division
Armstrong Telephone Company - Pennsylvania
Armstrong Telephone Company - West Virginia
Deerfield Farmers' Telephone Company
North Pittsburgh Telephone Company
Poka Lambro Telephone Cooperative, Inc.
Poka Lambro Telecommunications, Inc.
 dba Poka Lambro Telephone Company
Valley Telephone Cooperative, Inc.
Copper Valley Telephone, Inc.

ARMSTRONG TELEPHONE COMPANY - MARYLAND
ARMSTRONG TELEPHONE COMPANY - NEW YORK
ARMSTRONG TELEPHONE COMPANY - NORTH
ARMSTRONG TELEPHONE COMPANY - NORTHERN DIVISION
ARMSTRONG TELEPHONE COMPANY - PENNSYLVANIA
ARMSTRONG TELEPHONE COMPANY - WEST VIRGINIA

Armstrong Telephone Company - Maryland, Armstrong Telephone Company - New York, Armstrong Telephone Company - North, Armstrong Telephone Company - Northern Division, Armstrong Telephone Company - Pennsylvania, Armstrong Telephone Company - West Virginia ("Petitioners") provide exchange and exchange access services in the states of Maryland, New York, Pennsylvania and West Virginia. Specifically, Armstrong Telephone Company - Maryland provides service to approximately 7,000 access lines in Maryland. Armstrong Telephone Company - New York provides service to approximately 3,500 access lines in New York. Armstrong Telephone Company - North provides service to approximately 500 access lines in Pennsylvania. Armstrong Telephone Company - Northern Division provides service to approximately 4,500 access lines in West Virginia. Armstrong Telephone Company - Pennsylvania provides service to approximately 1,700 access lines in Pennsylvania. Armstrong Telephone Company - West Virginia provides service to approximately 2,900 access lines in West Virginia. The Petitioners are members of the United States Telecom Association and each is a rural telephone company under the Communications Act of 1934, as amended. The Petitioners provide billing and collection services for third party providers, including such services for certain interexchange carriers' 1 + traffic and for providers of casual calling and alternate operator services. The Petitioners utilize APTIS for the provision of end user billing software. Petitioners have made frequent periodic contacts with their billing vendor with respect to the FCC's Truth-in-Billing ("TIB") requirements and have made reasonable and good-faith efforts to ensure that APTIS would be taking all necessary steps to ensure that the software upgrades and modifications to their end user billing system would be made in sufficient time to allow proper testing. Despite these efforts, it was not until March 8, 2000 that APTIS indicated that it would not be able to meet the April 1, 2000 date, and it was not until March 15, 2000 that APTIS provided the necessary information that enabled Petitioners to assess what TIB compliance issues remained. Despite the Petitioners' reasonable, good-faith efforts, the delays in providing the necessary software upgrades and, in turn, the inability to conduct the proper testing were beyond Petitioners' control.

Based on the information that APTIS has provided to date, Petitioners request the following waivers for the time periods noted.

<u>TIB Rule Requirement</u>	<u>Rule Provision(s)</u>	<u>Requested Extension</u>
TIB New Service Provider Requirement	47.C.F.R. §64.2401(a)(2)	July 1, 2000
TIB Service Provider Name and Inquiry Contact Requirement	47 C.F.R. §64.2401(a)(1)-(2) and 47 C.F.R. §64.2401(d)	July 1, 2000

Until the requested waiver expires, the Petitioners will provide the appropriate bill message and/or insert and the customer service responses identified in the Petition.

DECLARATION OF ROSLYN THONY

I, Roslyn Thony, Vice President - Billing Systems and Support for the Armstrong Telephone Companies ("Petitioners"), do hereby declare under penalties of perjury that I have read the foregoing "Petition for Temporary, Limited Waiver" and the information contained therein and on this attachment regarding Petitioners is true and accurate to the best of my knowledge, information, and belief.

Date 3/21/00



Roslyn Thony

Vice President - Billing Systems and Support

Armstrong Truth in Billing (TIB) Compliance

The following is the documented chronology of the material we have in our Truth in Billing files:

1. June 10, 1999. E-mail from APTIS in response to our questions. APTIS was sure the TIB rules were being adhered to but they would review internally to confirm.
2. July 6, 1999. Began a series of internal e-mails to APTIS discussing this issue. The general conclusion was that the APTIS's software was not in compliance.
3. July 12, 1999. E-mail officially requesting that Armstrong be included on the APTIS schedule for TIB development. In addition, Armstrong requested a copy of the development schedule. Received response from APTIS same day asking for specifications.
4. July 15, 1999. E-mail from APTIS acknowledging the need for change and requesting specifications along with internal responses that the TIB had been delayed until September 1999.
5. October 15, 1999. E-mail from APTIS requesting specifications.
6. December 10, 1999. Internal e-mail with our interpretation of our compliance or development needs.
7. December 16, 1999 Pilot Tracking Form Corporate # 20. Project request to APTIS including a copy of TIB rules. E-mailed detailed specifications to APTIS.
8. January 17, 2000. E-mail to APTIS requesting an update on the TIB request and requesting a conference call.
9. January 28, 2000. E-mail from APTIS requesting our comments on an internal APTIS e-mail on Modification 21276 (TIB).
10. January 31, 2000. E-mail from Armstrong responding and requesting a conference call between Armstrong and the APTIS development team.
11. February 3 to 16, 2000. Several more bulletins on TIB.
12. February 9, 2000. Conference call with APTIS to discuss requirements.
13. February 10, 2000. Package of TIB documents sent overnight to APTIS.
14. February 17, 2000. E-mail to APTIS alerting them to additional TIB requirements.
15. February 23, 2000. Conference call with APTIS to discuss additional requirements.
16. February 24, 2000. First requirements document received from APTIS.
17. March 1, 2000. Conference call with APTIS to discuss the 2-24-00 requirements document and further clarify the additional requirements.
18. March 1 – 14, 2000. Series of telephone calls and e-mails requesting firm time frame commitment and letter stating such, finalization of specs, and top priority for this project.

DEERFIELD FARMERS' TELEPHONE COMPANY

Deerfield Farmers' Telephone Company ("Petitioner") provides exchange and exchange access services to approximately 2,800 lines in Michigan. The Petitioner is a member of the United States Telecom Association and is a rural telephone company under the Communications Act of 1934, as amended. The Petitioner provides billing and collection services for third party providers including such services for certain interexchange carriers' 1 + traffic and for providers of casual calling and alternate operator services. The Petitioner utilizes National Independent Billing, Inc. ("NIBI") for the provision of end user billing software. Petitioner has made frequent periodic contacts with its billing vendor with respect to the FCC's Truth-in-Billing ("TIB") requirements and has made reasonable and good-faith efforts to ensure that NIBI would be taking all necessary steps to ensure that the software upgrades and modifications to its end user billing system would be made in sufficient time to allow proper testing. Despite these efforts, it was not until March 8, 2000 that NIBI indicated that it would not be able to meet the April 1, 2000 date, and it was not until March 15, 2000 that NIBI provided the necessary information that enabled Petitioner to assess what TIB compliance issues remained. Despite the Petitioner's reasonable, good-faith efforts, the delays in providing the necessary software upgrades and, in turn, the inability to conduct the proper testing were beyond Petitioner's control.

Based on the information that NIBI has provided to date, Petitioner requests the following waivers for the time periods noted.

<u>TIB Rule Requirement</u>	<u>Rule Provision(s)</u>	<u>Requested Extension</u>
TIB New Service Provider Requirement	47.C.F.R. §64.2401(a)(2)	June 1, 2000
TIB Deniable/Nondeniable Requirement	47.C.F.R. §64.2401(c)	June 1, 2000
TIB Service Provider Name and Inquiry Contact Requirement	47 C.F.R. §64.2401(a)(1)-(2) and 47 C.F.R. §64.2401(d)	October 1, 2000

Until the requested waiver expires, the Petitioner will provide the appropriate bill message and/or insert and the customer service responses identified in the Petition.

DECLARATION OF DAVID LA ROCCA

I, David La Rocca, President of Deerfield Farmers' Telephone Company ("Petitioner"), do hereby declare under penalties of perjury that I have read the foregoing "Petition for Temporary, Limited Waiver" and the information contained therein and on this attachment regarding Petitioner is true and accurate to the best of my knowledge, information, and belief.

Date 3/20/2K

David La Rocca
President

Deerfield Farmers' Telephone CompanyTRUTH IN BILLING COMPLIANCE NOTES

March 21, 2000

October 1999	We received information from NIBI on all Truth in Billing Rules. This included the rules, actions to take & suggestions on how to implement them. At this time some of the "suggestions" were that programming would have to be done to accomplish some of these.
October 29, 1999	The Company e-mailed Vicki Sutherland at NIBI with several questions and comments they had regarding the actions and suggestions received from them.
November 15, 1999	Received e-mail response from Vicki Sutherland. By this time a Tech-Line outlining where NIBI stands on the November Truth in Billing rules had been received in our office. (This was typed in her e-mail answer) and that NIBI was in the process of assessing the changes that were required for April.
November, 1999	Received from NIBI outlining rules that would be implemented November 1999. We reviewed these items to see what we were in compliance with. After November 1999, we had asked NIBI a couple times, how they were coming on the April 1 deadline, and we were told they were working on it. We stressed the importance of the April 1, 2000 deadline because we had to know if we needed to file a waiver or not.
January 26, 2000	We received another TechLine from NIBI, addressing the April 1 implementation. Their response was that it was their opinion that it was not possible to fully interpret the FCC requirements because of the general specifications. The FCC had not created a compliance manual yet which would provide specific requirements for the TIB rules. Until they receive the manual, they had placed a hold on assessing any changes to their system. They had also received a time & cost estimate request/survey from Illuminet and NECA and said they would not respond to this until a manual was received.
February 1, 2000	We sent a letter with specific questions to NIBI requesting a response in writing by February 11.

Deerfield Farmers' Telephone CompanyTRUTH IN BILLING COMPLIANCE NOTES continued

Page 2

February 22, 2000 A second letter was sent to NIBI on February 22, asking why we had not received a response from our February 1, 2000 letter.

Between the dates of February 25 & March 1, we received several calls from NIBI that they were working on these issues.

March 8, 2000 We received a letter outlining what NIBI was doing or would have to do to comply with the April 1 deadline.

March 13, 2000 The Company e-mailed questions and concerns to NIBI regarding their letter. Company received a response from NIBI that conference calls would be set-up for the companies concerned.

March 15, 2000 Conference call with NIBI on March 15. Concerns were discussed. NIBI answered the questions they could, and referred the rest to their staff, saying they would get a response out to us on our questions.

It was agreed that the only 2 items that NIBI would not be in compliance with were the 002-B module (new service provider) and the 020-A module (name and toll free number).

We asked them the time frame for their response, because of their past history of slow response times. Hopefully we will receive this information the Week of March 20.

NORTH PITTSBURGH TELEPHONE COMPANY

North Pittsburgh Telephone Company ("Petitioner") provides exchange and exchange access services to approximately 73,000 access lines in Pennsylvania. The Petitioner is a member of the United States Telecom Association and is a rural telephone company under the Communications Act of 1934, as amended. The Petitioner provides billing and collection services for third party providers including such services for certain interexchange carriers' 1 + traffic and for providers of casual calling and alternate operator services. The Petitioner utilizes APTIS for the provision of end user billing software. Petitioner has made frequent periodic contacts with its billing vendor with respect to the FCC's Truth-in-Billing ("TIB") requirements and has made reasonable and good-faith efforts to ensure that APTIS would be taking all necessary steps to ensure that the software upgrades and modifications to its end user billing system would be made in sufficient time to allow proper testing. Despite these efforts, it was not until March 8, 2000 that APTIS indicated that it would not be able to meet the April 1, 2000 date, and it was not until March 15, 2000 that APTIS provided the necessary information that enabled Petitioner to assess what TIB compliance issues remained. Despite the Petitioner's reasonable, good-faith efforts, the delays in providing the necessary software upgrades and, in turn, the inability to conduct the proper testing were beyond Petitioner's control.

Based on the information that APTIS has provided to date, Petitioner requests the following waivers for the time periods noted.


TTB Rule Requirement	Rule Provision(s)	Requested Extension
TTB New Service Provider Requirement	47.C.F.R. §64.2401(a)(2)	July 1, 2000
TTB Service Provider Name and Inquiry Contact Requirement	47.C.F.R. §64.2401(a)(1)-(2) and 47.C.F.R. §64.2401(d)	July 1, 2000

Until the requested waiver expires, the Petitioner will provide the appropriate bill message and/or insert and the customer service responses identified in the Petition.

DECLARATION OF KEVIN J. ALBAUGH

I, Kevin J. Albaugh, Vice President - Regulatory Affairs for North Pittsburgh Telephony Company ("Petitioner"), do hereby declare under penalties of perjury that I have read the foregoing "Petition for Temporary, Limited Waiver" and the information contained therein and on this attachment regarding Petitioner is true and accurate to the best of my knowledge, information, and belief.

Date 3-21-00


 Kevin J. Albaugh
 Vice President - Regulatory Affairs

NORTH PITTSBURGH TELEPHONE COMPANY
TRUTH IN BILLING
Compliance Documentation

- July 6, 1999 – Faxed letter to Aptis (G. Sloan to L. Viger) – Seeking status of Aptis' compliance efforts.
- July 7, 1999 – Faxed Illuminet document to Aptis (G. Sloan to L. Viger) - Fax includes information on Illuminet's SubCIC procedures to meet FCC TIB regulations and requesting status of compliance efforts.
- August 10, 1999 – E-mailed memo (G. Sloan to L. Viger) about compliance with FCC's TIB regulations requesting Aptis to stay on top of TIB issues.
- September 1, 1999 – E-mail to Aptis (N. Carpenter to L. Viger) review of the sample bill NPT has proposed to comply with the FCC's TIB regulations.
- September 8, 1999 – Letter to Aptis (G. Sloan to L. Viger) outlining issues Aptis must accomplish to allow NPT to comply with the FCC's TIB regulations.
- September 22, 1999 – E-mail to Aptis (G. Sloan to L. Viger) asking for a response to the September 8, 1999 letter.
- September 27, 1999 – Received two quotes from Aptis for work to provide partial compliance with the TIB requirements. According to the Aptis quotes, they expected to deliver TIB compliance to NPT by November 15, 1999.
- September 28, 1999 – Faxed the signed quotes back to Aptis (G. Sloan to S. Prud'homme).
- October 12, 1999 – Received a third quote from Aptis for work to provide compliance with TIB regulations.
- October 14, 1999 – Faxed the signed quote back to Aptis (G. Sloan to S. Prud'homme).

NOTE: Beginning with bills dated 10/20/99 and forward, the FCC TIB requirement concerning deniable/non-deniable language was put into effect.

- October 27, 1999 – E-mail to Aptis (G. Sloan to Aptis Support) about single modification to NPT's initial TIB requirements.
- October 27, 1999 – Received e-mail response from Aptis (E. Gagne to G. Sloan) about the single TIB modification.
- November 30, 1999 - Letter to NECA Services (G. Sloan to K. Roman) about TIB compliance costs.
- Version 6.07 of Aptis Software was put in production on December 10, 1999. During testing in the weeks before December 10, 1999, NPTC discovered that the TIB functionality was not in Version 6.07. Calls were made to Aptis who assured us it would be in Version 6.08, which was scheduled to cut in February 2000.
- December 30, 1999 – Began inclusion of FCC TIB Noncompliance Notice to all customers.

- Version 6.08 went into production on February 27, 2000. During testing in the week before the cut to Version 6.08, NPTC discovered that TIB functionality was still not working. NPTC called Aptis and asked for confirmation that TIB functionality would be available by April 1, 2000.
- Effective late February 2000 / early March 2000, and as agreed between NPT, Aptis and Armstrong, NPT began dealing with Aptis through an Armstrong intermediary.
- March 1, 2000 – Letter to Armstrong (G. Sloan to J. Margaria) asking them to determine if Aptis will provide TIB compliance by 4/01/00.
- March 2, 2000 – Faxed a letter (G. Sloan to J. Margaria) with Illuminet's "Special Bulletin" and information on the 020A TIB module.
- March 10, 2000 – TIB meeting at Armstrong (G. Sloan, R. Thony, M. Visconti and J. Ericksen) about Aptis TIB compliance problems.
- March 13, 2000 – Phone call (G. Sloan to R. Thony) asking for information on Aptis TIB compliance information. No information from Aptis at this point.
- March 15, 2000 (6:23 PM) – Received e-mail from Aptis which includes a letter and requirements document for TIB compliance.

K. J. Albaugh

3/21/00

tibcompliance.doc

July 6, 1999

BILLING CONCEPTS
ATTN: LINDA VIGER
8 SOUTHWOODS BLVD.
ALBANY, NY 12211

Dear Linda:

Attached is a copy of an internal memo I received about new FCC regulations about Truth In Billing. According to my understanding, North Pittsburgh Telephone Company as well as other CommVergence customers and all other telephone companies must comply with these FCC regulations. You will also notice from this memo that these regulations carry a July 26, 1999 effective date.

Accordingly, I have several questions about CommVergence compliance with these regulations.

- Does Billing Concepts normally monitor pending and approved FCC regulations to confirm that the CommVergence product is in compliance with FCC decisions?
- Is Billing Concepts aware of these regulations?
- If so, what is the status of compliance efforts?
- If not, what is the status of compliance efforts?

Please respond back to me as soon as possible with any questions, comments or status information.

Thanks.

Very truly yours,



Greg Sloan
Security Manager

Attachment

cc:	K. J. Albaugh	E. F. Francestine
	T. J. Barnhart	F. A. Macefe
	N. W. Barthlow	A. L. Terry
	N. T. Carpenter	

NORTH PITTSBURGH TELEPHONE COMPANY

FROM: Kevin J. Albaugh **AT:** Gibs **DATE:** 6/29/99
TO: Greg Sloan **AT:** Gibs
SUBJECT: FCC Regulations Regarding Truth In Billing
REFERENCE _____

The FCC has ordered that new regulations regarding Truth In Billing be implemented by all telecommunications carriers effective July 26, 1999. These regulations will apply to not only North Pittsburgh Telephone Company and Penn Telecom, Inc., but to all local exchange telephone companies that utilize the Billing Concepts CommVergence System.

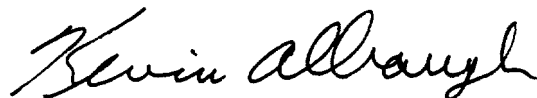
Attached is a copy of the final rules. While our current version of CommVergence is in compliance with some of the rules, additional programming may be required to bring NPTC into full compliance.

Specifically, CommVergence must be updated by July 26, 1999 to:

1. Identify all Alternative Operator Service (AOS) providers charges by company name and separated from other providers charges (currently all AOS B&C charges are lumped together and only identified by a CIC code).
2. Provide clear and conspicuous notification of any change in service provider including notification to the customer that a new provider has begun providing service (for example, a bill message to the customer when a PIC change has been implemented).
3. Provide a brief, clear, non-misleading plain language description of the service rendered.
4. Distinguish on each bill between charges for which nonpayment will result in disconnection of basic, local service and those charges for which nonpayment will not result in such disconnection (an explanatory note must be included on each bill).
5. Provide a clear and conspicuous disclosure of inquiry contacts including a toll-free number the customer may call to make inquiries or dispute any charge on the bill.

Should you have any specific questions regarding these rules and their implementation, please call me on Ext. 598.

KJA/smg



Enclosure

cc: N. W. Barthlow F. A. Macefe
N. T. Carpenter E. F. Francestine
A. L. Terry

APPENDIX A - Final Rules

1. Part 64 of Title 47 of the Code of Federal Regulations (C.F.R.) is amended as follows:

Subpart U -- Truth-in-Billing Requirements for Common Carriers**64.2000 Purpose and scope**

(a) The purpose of these rules is to reduce slamming and other telecommunications fraud by setting standards for bills for telecommunications service. These rules are also intended to aid customers in understanding their telecommunications bills, and to provide them with the tools they need to make informed choices in the market for telecommunications service.

(b) These rules shall apply to all telecommunications common carriers, except that rule 64.2001(a)(2), 64.2001(b), and 64.2001(c) shall not apply to providers of Commercial Mobile Radio Service as defined in section 20.9 of the Commission's rules, or to other providers of mobile service as defined in section 20.7 of the Commission's rules, unless the Commission determines otherwise in a Further Notice of Proposed Rulemaking.

(c) *Preemptive effect of rules.* The requirements contained in this subpart are not intended to preempt the adoption or enforcement of consistent truth-in-billing requirements by the states.

64.2001 Truth-in-Billing Requirements

(a) *Bill organization.* Telephone bills shall be clearly organized, and must comply with the following requirements:

- (1) the name of the service provider associated with each charge must be clearly identified on the telephone bill.
- (2) where charges for two or more carriers appear on the same telephone bill, the charges must be separated by service provider, and the billing entity must provide clear and conspicuous notification of any change in service provider, including notification to the customer that a new provider has begun providing service.
 - (i) "Clear and conspicuous notification" means notice that would be apparent to a reasonable consumer.
 - (ii) "New service provider" is any provider that did not bill for services on the previous billing statement. The notification should describe the nature of the relationship with the customer, including a description of whether the new service provider is the

presubscribed local exchange or interexchange carrier.

(b) *Descriptions of billed charges.* Charges contained on telephone bills must be accompanied by a brief, clear, non-misleading, plain language description of the service or services rendered. The description must be sufficiently clear in presentation and specific enough in content so that customers can accurately assess that the services for which they are billed correspond to those that they have requested and received, and that the costs assessed for those services conform to their understanding of the price charged.

(c) *"Deniable" and "Non-Deniable" Charges.* Where a bill contains charges for basic local service, in addition to other charges, the bill must distinguish between charges for which non-payment will result in disconnection of basic, local service, and charges for which non-payment will not result in such disconnection. The carrier must explain this distinction to the customer, and must clearly and conspicuously identify on the bill those charges for which non-payment will not result in disconnection of basic, local service. Carriers may also elect to devise other methods of informing consumers on the bill that they may contest charges prior to payment.

(d) *Clear and Conspicuous Disclosure of Inquiry Contacts.* Telephone bills must contain clear and conspicuous disclosure of any information that the customer may need to make inquiries about, or contest charges, on the bill. Common carriers must prominently display on each bill a toll-free number or numbers by which customers may inquire or dispute any charge contained on the bill. A carrier may list a toll-free number for a billing agent, clearinghouse, or other third party, provided that such party possesses sufficient information to answer questions concerning the customer's account and is fully authorized to resolve consumer complaints on the carrier's behalf. Each carrier must make its business address available upon request to consumers through its toll-free number.

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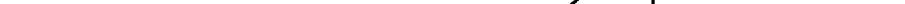
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REMARKS: See Attached



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